

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
: ARISTA RECORDS LLC; ATLANTIC
: RECORDING CORPORATION; BMG MUSIC;
: CAPITOL RECORDS, INC.; ELEKTRA
: ENTERTAINMENT GROUP, INC.;
: INTERSCOPE RECORDS; LAFACE RECORDS
: LLC; MOTOWN RECORD COMPANY, L.P.;
: PRIORITY RECORDS LLC; SONY BMG MUSIC
: ENTERTAINMENT; UMG RECORDINGS, INC.;
: VIRGIN RECORDS AMERICA, INC.; and
: WARNER BROS. RECORDS INC.,

Plaintiffs,

-against-

LIME WIRE LLC; LIME GROUP LLC; MARK
GORTON; GREG BILDSON, and M.J.G. LIME
WIRE FAMILY LIMITED PARTNERSHIP,

Defendants.
----- X

ORDER

06 Civ. 5936 (KMW)

ALVIN K. HELLERSTEIN, U.S.D.J.:


On March 1, 2011, District Judge Kimba M. Wood issued an opinion and order reversing in part Magistrate Judge Debra Freeman's order, dated January 31, 2011, which, in turn, granted in part and denied in part defendants' motions to compel compliance with subpoenas served on four non-parties, Yahoo!, Inc.; MySpace, Inc.; Google Inc.; and iMesh, Inc. and its wholly owned subsidiary, MusicLab, LLC. Each non-party had lodged separately a written objection to Magistrate Judge Freeman's order. Judge Wood's opinion and order addressed and found meritorious the objections filed by Yahoo!, MySpace, and iMesh. However, due to a conflict of interest, Judge Wood recused herself from deciding Google's objection and instead referred that matter to the undersigned, sitting in Part One.

After an independent review of the record, I conclude that there are no material facts or circumstances to distinguish Google's objection from the objections of the other three non-parties. Because I agree with Judge Wood's analysis, I hereby adopt the reasoning of her opinion and order as my own, and reverse Magistrate Judge Freeman's order insofar as it grants defendants' motion to compel compliance with the subpoena served on non-party Google. I affirm Magistrate Judge Freeman's order insofar as it denies defendants' motion to compel.

SO ORDERED.

Dated:

March 4, 2011
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge (Part One)